

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

Cackaert, et al.

Plaintiffs,

v.

Watchtower Bible and
Tract Society, and
Watch Tower Bible and
Tract Society of
Pennsylvania,

Defendants.

) No. CV-20-52-Blg-SPW
) No. CV-20-59-Blg-SPW

) TRANSCRIPT

) OF

) PROCEEDINGS

The above-entitled matter came on for hearing
before the Hon. Susan P. Watters, United States
District Judge, on June 23, 2021.

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C O N T E N T S

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1 (Open court.)

2 DEPUTY CLERK: The court has set aside
3 this time to hear the matter of CV-20-52-BLG-SPW,
4 Caekaert versus Watchtower Bible and Tract
5 Society of New York, and Cause CV-20-59-BLG-SPW,
6 Rowland versus Watchtower Bible and Tract Society
7 of New York. This is time set for motion hearing

8 THE COURT: And if counsel for the
9 plaintiffs could identify themselves for the
10 record.

11 MR. STEPANS: Good morning, Your Honor.
12 If it pleases the court, Rob Stepans on behalf of
13 all plaintiffs.

14 THE COURT: Thank you. And for
15 defense.

16 MR. WILSON: Your Honor, Jon Wilson and
17 Aaron Dunn on behalf of defendants Watchtower
18 Bible and Tract Society of New York and Watch
19 Tower Bible and Tract Society of Pennsylvania.
20 And we have pro hoc vice counsel, Joel Taylor,
21 appearing by telephone as well.

22 THE COURT: Thank you. So we are here
23 today on the plaintiffs' motion to compel
24 jurisdictional discovery. So, Mr. Stepans, I'll
25 let you proceed.

1 MR. STEPANS: Thank you, Your Honor.
2 Do you prefer that I speak from the podium?

3 THE COURT: You don't have to. You can
4 speak from counsel table there.

5 MR. STEPANS: If it's okay, I would
6 like to go to the podium.

7 THE COURT: That's fine, too.

8 MR. STEPANS: I apologize, I didn't
9 intro co-counsel, Ryan Shaffer, who, I believe,
10 has already appeared before the court in this
11 matter.

12 THE COURT: Yes.

13 MR. STEPANS: And Katy Gannon with us
14 at counsel table. She is a law student at the
15 University of Montana Law School, and works for
16 us.

17 THE COURT: Okay. Obviously, I have
18 read the briefing, so maybe you could hit the
19 high points, Mr. Stepans.

20 MR. STEPANS: Absolutely, Your Honor,
21 I'll do my best. I was looking at this last
22 night, trying to figure out how to explain what I
23 would consider the different categories that fall
24 within this motion to compel. Because the last
25 thing I want to do is be here in front of the

1 court arguing a motion to compel and dragging the
2 court into our discovery disputes, but as the
3 briefing indicates, and as these categories of
4 discovery indicate, really, plaintiffs, really,
5 were given no other alternative other than to
6 come to the court to a seek assistance in order
7 to proceed with the discovery that's been ongoing
8 for six months here in the jurisdictional phase.

9 The first category, Your Honor, I would
10 put this into general discovery rules. And what
11 we are asking the court to do in this regard is
12 to order that the defendants comply with the
13 rules of discovery as it pertains to answering
14 and producing documents in accordance with those
15 rules.

16 In particular, on that front, Your
17 Honor, the RFAs, we briefed this extensively,
18 it's not okay to rewrite the RFA and then choose
19 your own, I guess, answer, as it pertains to
20 that. The RFAs are crafted in a particular way,
21 as the court knows, the rules are designed to try
22 and allow the person asking the RFA to glean
23 information from that. And, really, that's the
24 purpose of all this discovery. But as it stands
25 now, it's been almost impossible to understand

1 why the defendants believe that they are subject
2 to a different set of discovery rules as it
3 pertains to the RFAs and the objections.

4 On that front, Your Honor, I would point
5 the court's attention to plaintiffs' initial
6 brief. So those are a phase and the general
7 objections that are stated from the defendants,
8 and then the method in which they go through and
9 answer to internally reference those other
10 objections. It becomes a compounding problem in
11 order to understand exactly what they are saying.
12 So we are asking for clarity on that point.

13 The time period, Your Honor, I'm
14 going -- I'm excited to hear counsel for the
15 defendant explain why the time period objection
16 stands, because we have demonstrated, I guess --
17 excuse me. The deposition of James Rowland was
18 taken, and Mr. Rowland was an elder in Hardin.
19 He indicated a document that he used and referred
20 to in the '70s, and it was published in 1972. So
21 as a practical matter, obviously something
22 couldn't be read, used, relied upon or in effect
23 until the date that it was published. So just
24 like in the law, if we have a law passed in 1972
25 that's still in effect in '76, we don't say,

1 well, the law doesn't matter, it matters in 1976.
2 We have to look back to understand what's guiding
3 us in 1976 if the '72 law is still in place.

4 I think defendants' briefing even
5 acknowledges that by virtue of the way they cite
6 their case. But what I would say, Your Honor,
7 and I'm happy to go into more detail, but the way
8 that this is set up is that we have said the
9 general abuse -- excuse me, the general dates
10 that this abuse took place are '73 to '95. We
11 are not trying to hamstring ourselves
12 inappropriately. What we are trying to do is
13 economize discovery in a meaningful way. What
14 we've learned is that the 1972 Branch Manual was
15 the manual that was being used in Hardin by the
16 elders throughout the '70s. So the suggestion
17 that a publication from 1972 is not relevant
18 during those years simply because we agreed to
19 the 1973 date, it defies logic, it doesn't go
20 along with what we are trying to do here in terms
21 of discovery, which is that we discovered certain
22 things, and then we ask certain questions based
23 upon that. The time period is reasonable.
24 Discovery is not bound by those dates as it
25 pertains to publication, particularly when we are

1 relying on it going forward.

2 THE COURT: What do you think, talking
3 about that time frame, what do you think about
4 the defendants' argument that documents prepared
5 or published after 1995 couldn't be relevant to
6 the time frame of 1973 to 1992? Doesn't that
7 seem logical?

8 MR. STEPANS: That part does seem
9 logical. The reason we've asked the questions
10 the way we have, I'm not sure how familiar the
11 court is with the documents that we are working
12 through, but they reference one another often.

13 So, for example, there's a quote from
14 this 1972 -- I actually wanted to share this with
15 the court, because it is a fair point to say
16 those documents that are published afterwards
17 probably do not have the specific relevance that
18 we are talking about. But are they discoverable?
19 Could they lead to discoverable information? I
20 think absolutely that's true, because you have an
21 evolution of the publications but they always
22 refer back. So things that are changed over time
23 matter. For example, if in 1995 they publish a
24 new manual that just drops off some of the things
25 that were going on before, or it provides a new

1 explanation, we feel that's very important. And
2 part of the reason that's important, Your Honor,
3 is that there is an evolution of vernacular that
4 the defendant corporations have used over time.
5 They will use words interchangeably. For
6 example, the society, or Watchtower Tract and
7 Bible Society, without including which parent
8 company it's referring to. There are references
9 to the governing body. Over time those
10 definitions and those committees, whatever they
11 are, take different forms throughout the
12 publications.

13 So what we are trying to understand is
14 what is the message from these, where did it drop
15 off, what was in play during the relevant time.
16 And I'm not suggesting that everything -- that
17 there would be much after the 1995 period that
18 would be relevant, but I do believe where we have
19 continuation of publications, which are providing
20 guidance to the local congregations, my position
21 is that that should be discoverable.

22 And in part the defendants have brought
23 this into play by submitting multiple affidavits
24 at the beginning to encourage the court to
25 dismiss the case, and those affidavits suggest

1 different things. They also suggest that if we
2 parse it out, it's difficult to say temporally
3 what Mr. Bromley was talking about. Are these
4 things always in play? Is he using this moment
5 in time right now to say? Because the documents
6 don't line up with what that affidavit says.

7 So that's why we are asking for those
8 things is we feel like we are on our own, in
9 terms of pulling this information together and
10 understanding what it means.

11 I don't know if that's a very -- does
12 that answer your question?

13 THE COURT: Well, for example, I guess
14 what you're saying is a document that was
15 published in 1996 could reference a document that
16 was published in 1975, for example. But if you
17 had the document that was published in 1975,
18 because it's within the time frame that the
19 defendants think your discovery is governed by,
20 why would you need the 1995 or '6 document,
21 whatever he said?

22 MR. STEPANS: Understood, Your Honor.
23 Once, again, I think it is -- it's trying to
24 understand the vernacular and the vocabulary.
25 Because it does change. The 1977 document for

1 sure -- let me give the court an example.

2 THE COURT: Okay.

3 MR. STEPANS: And I have to say I
4 understand the court's question. I think it's a
5 little bit problematic in order to answer it
6 because our position is that this is discoverable
7 information because it refers back, it fills in
8 gaps, and that is our reading of the way that
9 these documents have evolved over time. So, for
10 example, I give the court this example. This is
11 from the WTPA0002 is the bates. I'm sorry, I
12 can't pull that up.

13 But at any rate, the first two full
14 paragraphs of this publication from WTPA say
15 explicitly, and I thought this was interesting
16 because it sort of explains --

17 THE COURT: What is the document you're
18 looking at?

19 MR. STEPANS: 57-3.

20 THE COURT: 57-3. Okay.

21 MR. STEPANS: And otherwise identified
22 as WTPA0002. So this --

23 THE COURT: Is it entitled, Kingdom
24 Ministry School Course?

25 MR. STEPANS: Entitled Kingdom Ministry

1 School Course. Here's an example, Your Honor,
2 the first two paragraphs. You take the ministry
3 school courses that have been arranged by the
4 Watchtower Bible and Tract Society to help
5 overseers become better equipped.

6 The second paragraph. This textbook
7 does not present any new instructions or
8 information, but it does provide a careful
9 compilation of materials printed in the Society's
10 publication and presented at assemblies in recent
11 years.

12 Okay. So this 1972 document indicates
13 that the materials have been used in recent
14 years, meaning prior to 1972.

15 Now, it's not up to me to interpret
16 their language so much, but it just says what it
17 says. So when I read that, certainly something
18 published in 1996 that has the same admonition at
19 the beginning saying this isn't new information,
20 but this is stuff that's been compiled, it's been
21 used, and it's been in the mix in the last -- in
22 recent years.

23 So what that is telling us this is a
24 retroactive book, basically, of what's been in
25 play and what appears to be instruction going

1 forward from the defendant corporations.

2 Does that make more sense, Your Honor,
3 in terms of how we are looking going beyond the
4 time period on the back end? .

5 THE COURT: Right. You can understand
6 the defendants' position, perhaps, that it would
7 certainly be very burdensome for us to have
8 produce every document that's ever been
9 published, for example, playing devil's advocate.
10 So what would the plaintiffs think would be the
11 cut-off date for these sorts of publications?

12 MR. STEPANS: And this is where
13 plaintiffs' counsel hates to get pinned down.
14 Your Honor, my hope is that we have come to the
15 court demonstrating that we have tried to be
16 pretty reasonable in this process to try to
17 gather materials that are reasonably calculated
18 to lead to discoverable material. That's why we
19 are putting it within that range. I can't say --

20 THE COURT: I'm asking you what range.

21 MR. STEPANS: Based on what I have
22 seen, I think it would make sense to just a
23 couple years past the '95, because it appears
24 that the documents that would be printed '95,
25 '96, '97 would all have been in play in the years

1 preceding that, which would fall within our time
2 frame. I can't answer for sure, but based on
3 everything we've seen, it seems like a couple
4 years would be more than adequate.

5 And I don't anticipate that's the kind
6 of discovery that's going to lead to a bunch of
7 other discovery. That really is plaintiffs doing
8 their diligence to understand the full range of
9 what was happening within the time period when
10 the abuse occurred, and what direction was being
11 given by the defendant corporations during that
12 time period. So our position is that
13 necessitates definitely looking back.

14 And for example --

15 THE COURT: If I could interrupt, so we
16 are talking just about the jurisdictional
17 discovery. So it wouldn't be necessarily what
18 direction, for example, WTPA was given to Hardin
19 congregation, but simply whether or not they were
20 giving them direction, would that be more
21 accurate in order to determine whether there is
22 jurisdiction?

23 MR. STEPANS: I think -- yes, that's
24 correct, Your Honor. There's also the question
25 of alter ego, I think. So from our perspective,

1 I guess I am lumping all these together. But
2 agreed, Your Honor.

3 THE COURT: I think -- we don't always,
4 maybe not even often, kind of bifurcate discovery
5 like this, where we have a jurisdictional
6 discovery period and then just general discovery.
7 So I think it's easy to kind of get caught up in
8 what do I need for the jurisdictional issue and
9 what do I need for my case in general. Certainly
10 those things will overlap ultimately, but it is a
11 little narrower scope at this juncture.

12 MR. STEPANS: Agreed, Your Honor. Yes,
13 absolutely.

14 THE COURT: Okay.

15 MR. STEPANS: I think, I would say out
16 of necessity because the alter ego we believe
17 that is a legitimate basis for personal
18 jurisdiction on WTPA, and the documents we have,
19 it certainly does lead us down a path that looks
20 a lot like general discovery because we are
21 trying to discover the nature of the
22 relationships, what are they doing independently,
23 what are they doing together, and it does take us
24 further down that road. But absolutely we agree
25 that we should be narrow.

1 THE COURT: Right. By my question I
2 didn't mean to imply that I have basically
3 determined that your alter ego argument doesn't
4 have any merit. I was just thinking simply about
5 the Pennsylvania organization. But I understand
6 your alter ego argument, too.

7 MR. STEPANS: Thank you, Your Honor.
8 I answer that way because my law partner tells me
9 I am not specific enough. So I agree with that
10 and I do need to be particular.

11 The other two categories, Your Honor,
12 that I am kind of conceding of this, the next one
13 is interrogatories. I hate coming to the court
14 asking to have an order to clarify the
15 interrogatories, but what I would ask the court
16 to do in this regard, I point the court to
17 Document 57-6, this is a pleading -- excuse me,
18 this is discovery, defendant Watchtower Bible and
19 Tract Society of New York's responses to
20 plaintiffs' second set of jurisdictional
21 discovery.

22 THE COURT: Okay. I have that pulled
23 up.

24 MR. STEPANS: Your Honor, I would just
25 ask the court -- when I see these

1 interrogatories, and a big part of the reason
2 that we are here is we have to rely on these
3 defendant corporations to give us this
4 information. They have it, and some of it we
5 have been able to obtain in other places. But in
6 terms of the interrogatories, when I look at
7 these answers to the interrogatories, and just,
8 for example, this is Interrogatory No. 7 on page
9 5 of 7 on Document 57-6, the question is,
10 identify each person who worked in the church's
11 legal department between 1960 and 1990.
12 Objection. Please refer to the general objection
13 above for an explanation as to why the time
14 period requested in this interrogatory is
15 improper. Also, vague. Further, overbroad. Not
16 reasonably calculated. Infringes on the privacy
17 rights to third parties.

18 So it goes back to my first request,
19 that the defendants be ordered to answer in
20 accordance with the rules. But as I read all
21 those discovery responses, in spite of the
22 representations by counsel of all the efforts
23 that have been made, this does not appear to me
24 to be a defendant that wants to be forthcoming in
25 the discovery process, that is eager to get the

1 ball rolling and is eager to answer in
2 interrogatory form the questions that are asked.

3 Every single one of these creates a
4 morass of boilerplate objections and dodgy
5 answers.

6 THE COURT: So with regard to
7 Interrogatory No. 7, of course, their first
8 general objection is that you're talking about a
9 time frame that exceeds the scope of 1973 to
10 1992. And then they list their other objections.

11 So did they provide anything in
12 response to this Interrogatory No. 7, do you
13 know, off the top of your head?

14 MR. STEPANS: There was a
15 supplementation at some point but I don't think
16 that it was to this. We did get a few names.
17 Your Honor, it goes on, Interrogatory No. 8
18 refers us to other documents, which -- it's
19 hampering our ability to proceed in a meaningful
20 way where we can ask an interrogatory and follow
21 up with other discovery questions in order to
22 move this along.

23 THE COURT: So going back to
24 Interrogatory No. 7, your argument is, okay, the
25 defense has listed all of these objections as to

1 why they shouldn't have to answer this question
2 or provide these -- this information, and then if
3 I understand your brief, they are supposed to say
4 whether or not they are withholding information
5 based on these; that they actually have some
6 information that's pertinent to your
7 interrogatory but they are not providing it
8 because of these objections, correct?

9 MR. STEPANS: That is correct. And we
10 don't know which one it is. They say it's just
11 time period. But they could answer within the
12 relevant time period if they wanted to.

13 THE COURT: Right.

14 MR. STEPANS: But they don't appear to
15 want to do that. They go further. The
16 representation to the court is defendant
17 corporations are only withholding information and
18 material pursuant to a time period objection.
19 Our position is that does not bear out in what
20 they have sent to us, or submitted to the court.
21 It highlights, Your Honor, and I understand the
22 difficulties in the court trying to order someone
23 to answer an interrogatory appropriately because
24 this is information that they have, the problem
25 is it doesn't appear they are making an effort to

1 do so, and as opposed to hoping to provide this
2 information, are hoping to keep it from us. As a
3 result of that, the interrogatory piece of this,
4 we are asking the court to order that the
5 defendants, these defendant corporations,
6 participate meaningfully in that part of the
7 discovery process.

8 That rolls in, I guess, what I would
9 say just a general category of our complaint
10 here, and that's the duty upon the defendants to
11 do a diligent search in response to these
12 discovery requests. And our reply brief, Your
13 Honor, kind of highlights the biggest -- the
14 place where we become cynical, because we have
15 to, if we are going to represent our clients and
16 prosecute this case effectively, this 1972
17 Kingdom Ministry School Course that James Rowland
18 in his deposition identified as kind of the thing
19 that he relied on as it pertains to direction in
20 handling allegations of sexual abuse, it's a big
21 deal. It's pretty important. It is relevant to
22 this case in basically every way. And if we
23 hadn't been able to secure it by other means,
24 defendant corporations would be completely happy
25 to hide it from us. And that's why we are here.

1 So as a result of that back and forth,
2 and certainly I don't know how much the court
3 wants to inquire with defendants about that, but
4 I will leave our briefing where it's at as it
5 pertains to that piece of it. And it goes --

6 THE COURT: So can you tell me kind of
7 generally, did you submit an interrogatory to the
8 defendants, the answer to which would have been a
9 disclosure of this 1972 WTPA document, the
10 Organization of Kingdom Preaching and Disciple
11 Making?

12 MR. STEPANS: I believe there was an
13 RFP that was, and it was very specific
14 identifying this document.

15 THE COURT: By name.

16 MR. STEPANS: They had it. And they
17 hadn't given it to us. We knew it existed. We
18 asked for it by name. And they turned it over
19 after -- I don't know if it was after we filed
20 our motion but it was after Mr. Rowland's
21 deposition.

22 THE COURT: Do you recall what their
23 response was to your request for that document?

24 MR. STEPANS: I do not, but I will have
25 someone find it so I can tell you.

1 Co-counsel indicates that the time
2 period objection, I think that's right, and we'll
3 run it down.

4 THE COURT: Okay.

5 MR. STEPANS: Your Honor, in terms
6 of -- there are two things on this last point in
7 terms -- did you want to inquire more on that?

8 THE COURT: No. No, thank you.

9 MR. STEPANS: The duty upon the
10 defendants to diligently search -- okay --
11 Document 67, Your Honor, both corporate
12 defendants' response brief, and I'd point the
13 court to, let's see, page 33 of 38, and page 26,
14 Mr. Wilson's pagination, I believe.

15 THE COURT: Okay. I'm on page 38, or
16 33, I beg your pardon.

17 MR. STEPANS: Okay. WTPA and WTNH
18 should not have to undergo the burdensome task
19 describing efforts for searching requested
20 documents.

21 We would request that they explain why
22 that would be burdensome in terms of describing
23 the efforts one made. There's different ways to
24 search for things, and I think in the course of
25 our legal careers we've all had cases where

1 things were hard to find or they disappeared or
2 there was a flood or a lot of time has passed.
3 It's entirely appropriate for plaintiff to
4 inquire as to what the nature of the search was
5 when, for example, other documents come to us
6 from other places and defendant corporations say
7 that they don't have it, can't find it, but they
8 don't describe what they did to look for it.
9 That would be one thing if they provided us with
10 a detailed list of folks with knowledge or
11 information. If they would have answered these
12 interrogatories, it's sort of a different story
13 because we could do these depositions and ask all
14 the questions. But as it pertains to us asking
15 them to verify how hard they looked for some of
16 this stuff, we don't want to have to be here, but
17 when such like the 1972 document comes forward,
18 it's impossible not to feel that way.

19 And then the last paragraph on page 33
20 of defendant corporations' briefing, this is a
21 quote. If plaintiffs believe some documents or
22 information exist that has not been produced,
23 plaintiffs are welcome to argue as much.

24 I think in spite of defendant
25 corporations real efforts to put this on

1 plaintiffs as it pertains to what we need to do
2 to try and find their documents outside in the
3 world, I disagree that's our responsibility. If
4 the defendants do not participate meaningfully in
5 discovery, then, in a case like this, without the
6 court's help, just by sitting on it they could
7 get out of all of it because they hold almost all
8 the documents. It's a piece of -- it miraculous
9 that we would be able to get some of these
10 documents. I mean, if the court can imagine the
11 different kind of a case where the plaintiff
12 would have to go find its own, like,
13 organizational manuals of a company or a
14 corporation, go and discover on our own who the
15 body of elders were, go and discover on our own
16 find all these documents outside in the world,
17 that just doesn't happen. We have to rely on
18 them. They haven't done it. So we are here
19 asking you to hold them to it.

20 Subject to any other questions, Your
21 Honor, I think I do need -- oh, if could reserve
22 the rest of my time to reply subject to any
23 questions by the court.

24 THE COURT: Sure, I will give you an
25 opportunity to rebut or reply.

1 MR. STEPANS: I'll be very, very brief.
2 Thank you, Your Honor.

3 THE COURT: Mr. Wilson, are you arguing
4 on behalf of the defendants?

5 MR. WILSON: I am, Your Honor. Thank
6 you. May it please the court, and counsel, Your
7 Honor, for brevity purposes I will be referring
8 to Watch Tower Bible and Tract Society of
9 Pennsylvania as WTPA, and Watchtower Bible and
10 Tract Society of New York as WTNY.

11 So, Your Honor, there are three general
12 objections that have been raised in the course of
13 discovery. And those three general objections
14 are efforts by WTPA, the first one to make clear,
15 it was not waiving its claim that is not subject
16 to personal jurisdiction by providing discovery
17 responses generally. The second was that WTPA
18 was not waiving its claim that it's not subject
19 to personal jurisdiction by providing answers and
20 responses going beyond the scope of
21 jurisdictional discovery. And the third, that
22 the request seeking information beyond the scope
23 of the relevant time limitation is improper.

24 Now, Your Honor, I think you hit the
25 nail on the head earlier when you brought up the

1 distinction here that we are not currently in
2 general discovery, we are in jurisdictional
3 discovery. So the only focus of discovery at
4 this point is TWPA's motion to be dismissed for
5 lack of personal jurisdiction over it.

6 Now, plaintiffs' argument, contrary to
7 that, is the WTPA is subject to specific personal
8 jurisdiction. Specifically, they've identified
9 subpart 4B1(b) of the Montana Rules of Civil
10 Procedure, Montana's long arm statute arguing the
11 commission of any act resulting in accrual within
12 Montana of a tort action. If they can satisfy
13 that prong, they must show exercise of due
14 process -- the exercise of personal jurisdiction
15 would comport with due process under the
16 three-part test of purposeful direction of
17 activity, consummation of a transaction within
18 the forum for purposeful availment of the
19 privilege of conducting activities in the forum,
20 the claim must arise out of out or result from
21 forum-related activity, and the exercise of
22 jurisdiction must be reasonable.

23 Additionally, they've argued alter ego,
24 which means they must make a prima facie showing
25 of such unity of interest and ownership that

1 separate entities no longer exist, and failure to
2 disregard the separateness would result in fraud
3 or injustice.

4 So, Your Honor, that is the universe of
5 items that this jurisdictional discovery is meant
6 to be, basically meant to be looking at. And the
7 parties spoke and reached a joint jurisdictional
8 discovery plan where we agreed for the most part
9 on what the scope of this jurisdictional
10 discovery should be.

11 The three items which the parties were
12 able to agree on were, number one, TWPA's
13 contacts and communications with the local
14 Jehovah Witness congregations in Montana, if any,
15 during the relevant time period. Number two,
16 TWPA's activities and conduct in Montana, if any,
17 during the relevant time period. And number
18 three, the Hardin, Montana, Jehovah Witness
19 congregations' contacts with WTPA, if any, during
20 the relevant time period.

21 Now, the fourth item that the parties
22 could not agree on was the scope of discovery as
23 to corporate relationship between WTPA and WTNY,
24 and per this court's order in that regard, the
25 court allowed such discovery during the time

1 period of 1973 to 1992.

2 So those are the only four areas that
3 this discovery in the jurisdictional phase is
4 supposed to be addressing.

5 Now, as to the relevant time period,
6 the plaintiffs themselves, in putting together
7 the joint jurisdictional discovery, argued it was
8 1970 to 1995. Our position is it should have
9 been 1973 to 1990. Then, Your Honor, in your
10 order as to the scope, you noted the relevant
11 time period for corporate purposes would be 1973
12 to 1990. Defendants then used that guidance of
13 1973 to 1990 as the time period the
14 jurisdictional discovery should occur.

15 Plaintiffs' argument here, going well
16 beyond the scope of what they themselves argued
17 for in their joint jurisdictional discovery plan,
18 would basically result in no limitation
19 whatsoever. And as I'll discuss, Your Honor,
20 some of the specific documents they've asked for
21 range in dates from 1885, which would be 85 years
22 before the beginning of the time frame they came
23 up, all the way to the year 2001. So they've
24 basically asked for no limit in time whatsoever
25 on jurisdictional discovery. And as we'll go

1 through some of these, basically they've asked
2 for a number of items that go well beyond the
3 scope of the subject of jurisdictional discovery.

4 So these three general objections were
5 important for WTPA to assert, that, look, we're
6 working with plaintiffs here. As Your Honor can
7 see from the exhibits to our response brief to
8 the motion to compel, we've exchanged much
9 correspondence, we've spoken a number of times
10 with plaintiffs' counsel, we've provided many
11 supplementations, we've been trying very hard to
12 avoid having to do this and trying to provide the
13 information they've requested that is relevant to
14 jurisdictional discovery. But we needed to
15 assert those general objections so that we are
16 not waiving anything. And also, Your Honor, the
17 big thing, jurisdictional discovery such as this
18 needs to be limited to these areas and time
19 periods, otherwise it's basically a fishing
20 expedition, which is what it has become.

21 Now, a few of the specific items that
22 they've referred to, for example, they talk about
23 the RFAs, as a general rule, we've been reporting
24 late in those. I think the main one they are
25 talking about in that regard was there is Request

1 for Admissions 4 and 6 to WTPA, and also Request
2 for Admission No. 7, asking WTPA to admit, quote,
3 that it notified persons endeavoring to donate to
4 the Jehovah Witness Church to make their
5 contributions payable to WTPA. And there are
6 RFAs for the various time periods.

7 There was no reformulation of the RFAs.
8 We relied on the language they used, that the
9 WTPA notified persons. Well, the response is we
10 denied there was ever any such notification of
11 persons, but admitted that voluntary donations
12 were accepted.

13 Now, the Requests for Admission 26,
14 asked WTPA to admit, quote, collected money from
15 Montana for the purchase of insurance policies.
16 Now, as an initial point, Your Honor, I fail to
17 see how that possibly could have a tie to
18 personal jurisdiction. They are not arguing
19 under Montana's long arm statute 4(b)1D regarding
20 contracting to ensure any person. But the
21 initial response was answered in context of other
22 requests where the plaintiffs were asking about
23 the Kingdom Hall assistance arrangements, which
24 was a program that was begun in 1989 for the
25 voluntary pooling of assets to provide funds for

1 property damage, care for liability claims, and
2 Kingdom Hall operations when there is no
3 insurance coverage, and purchase coverage where
4 necessary. Well, once it was confirmed that the
5 plaintiffs were actually asking about any
6 insurance, not the Kingdom Hall assistance
7 arrangements specifically, we supplemented, and
8 there's basically no records one way or another
9 if any donations from Montana were used to
10 purchase insurance policies. That's just not the
11 kind of record keeping that WTPA has, so we
12 supplemented to indicate that we have no
13 responsive information and were unable to affirm
14 or deny based on reasonable inquiry. There just
15 simply isn't the documentation showing what
16 specific donations from specific locations were
17 used to purchase what specific products over
18 time.

19 Now, they also asked for Request for
20 Admission about the governing body. And that
21 would be the Request for Admission No. 14. They
22 are asking whether WTPA acts under the direction
23 of the governing body.

24 Well, as we've explained to plaintiffs
25 through correspondence, the governing body, which

1 has not been named in the law enforcement, is a
2 small group of spiritually mature Christians who
3 provide spiritual guidance to Jehovah Witnesses
4 worldwide. They are not leaders of Jehovah
5 Witnesses that provide ecclesiastic guidance. So
6 the example we provided in our correspondence,
7 was whether WTPA or WTNY had a Christmas party.
8 Well, based on the guidance from the governing
9 body, the Jehovah Witness followers don't
10 recognize Christmas as a holiday. So by doing
11 that there would not be -- WTPA and WTNY would
12 not then have a Christmas party to have a party
13 for a holiday that is not recognized by the
14 religion.

15 But that's not providing legal
16 direction or oversight, and that's what we tried
17 to explain that, well, their use of "under the
18 direction of" is ambiguous; any direction isn't
19 legal as to oversight or direction, it's
20 basically ecclesiastic guidance. Generally
21 people in WTPA and WTNY are Jehovah Witnesses,
22 the governing body is where they get the
23 information how the religion should appropriately
24 be practiced.

25 So in No. 7, Your Honor, about the

1 request for individuals who worked at the legal
2 department. First off, 1960 to 1990 was the time
3 frame used. No explanation why that particular
4 time frame, which is different than what was in
5 the joint jurisdictional discovery plan.

6 Basically, WTNy has no list of employees that
7 were there between 31 and 61 years ago.

8 Now, in the efforts to try to meet and
9 confer on this, we've identified the three people
10 that have the most knowledge that we are aware of
11 the time periods, they can ask questions of those
12 people, and we've also provided the lists of the
13 board of directors for the years in question
14 here. This is from the 1973 to 1992. So they
15 have people that they can talk to.

16 And the other -- you know, they are
17 asking that this to help try and determine what
18 the scope of the corporate overlap is. I'm not
19 sure what they could possibly get from a general
20 list of everyone who may have worked there beyond
21 what's in the board of directors, and they have
22 people they can ask those questions about in the
23 deposition process.

24 Your Honor, these issues about stuff
25 outside the time frame, again, plaintiffs haven't

1 been able to identify what they consider a
2 reasonable time frame would be. The stories
3 change when we put the joint jurisdictional
4 discovery plan together, and as they stand here
5 today they apparently can't say what they think
6 the appropriate time period should be.

7 So the documents they've relied on for
8 this argument, first off is a letter dated
9 November 1, 1995, addressed to all bodies of
10 elders in Britain. The plaintiffs have been
11 informed that such letters were only sent
12 congregations in England, not the US, and such
13 communications in the U.S. were sent by WTNY, not
14 WTPA.

15 Now, Request for Production 73 through
16 78 are basically various documents. RFA 73,
17 Preaching and Teaching and Peace and Unity. The
18 plaintiffs already have the only version of that
19 document from 1960, since that was outside the
20 time frame, that's why it was not produced. But
21 Mr. Rowland during his deposition testified he
22 had never seen it before anyway.

23 Request for Production No. 74, Council
24 on Theocratic Organization for Jehovah Witnesses.
25 Plaintiffs already have the only version which is

1 from 1949. Again, outside the time scope. Mr.
2 Rowland testified he had never seen that document
3 before.

4 Request for Production No. 75, the
5 Organization for Kingdom Preaching and Disciple
6 Making. Again, plaintiffs already have the 1972
7 version, not produced because it was outside of
8 the time frame. Mr. Rowland was asked about that
9 during his deposition, and he did say that he had
10 seen that document. And after the deposition we
11 supplemented discovery to provide that, even
12 though plaintiffs already had it.

13 Now, Request for Production 76 and 78,
14 that's the listing of 31 specific documents from
15 January 1885 to January 2001. And after
16 initially objecting, in an effort to try and meet
17 and confer, we produced every one all of those
18 specific documents that WTNH and WTPA have been
19 able to find. Now, there are some they have not
20 been able to. The search is ongoing. If we do
21 find it, we will further supplement, But,
22 basically, Your Honor, for every specific
23 document that's been requested outside of the
24 1973 to 1992 time period, they either already
25 have it, or we've produced it if we have it in

1 our possession, custody, or control. So anything
2 beyond this would be going into the fishing
3 expedition of basically every publication that
4 WTNY or WTPA has ever made.

5 Now, the efforts made in support of
6 responses, you know, they cited to some cases in
7 the Hymen (phonetic) case out of Nevada, in that
8 case there was a requirement to provide more
9 information than just e-mails and Facebook. That
10 case has no case law cited in the decision, and
11 no citing references. The Marty case out of
12 California, that case required to confirm
13 reasonable inquiry and exercise due diligence;
14 stated if you don't have possession of the
15 documents in your control. Here we have been
16 working with our pro hoc vice counsel, who is in
17 New York, to respond to these requests. And I
18 think it's important for the court to note the
19 date that WTPA in this jurisdictional phase has
20 responded to 45 interrogatories, 81 requests for
21 production, 30 requests for admission, and has
22 produced 63,469 pages of documents. WTNY has
23 responded to an additional 24 interrogatories, 16
24 requests for production, 4 requests for
25 admissions, and produced additional 210 pages of

1 documents.

2 We've produced what we have within the
3 time period and scope. We've explained the basis
4 for our objections as to why we haven't. These
5 are not boilerplate objections. They are
6 different objections to different requests. It's
7 specific. For example, every employee over a
8 30-year time period, there are privacy concerns
9 to that. It is overbroad. It is not
10 proportional to the needs of this case. And it's
11 not same objections to every request, except for
12 those three general objections which, again, were
13 necessary to avoid waiving any jurisdictional
14 scope argument or time period argument.

15 Plaintiffs ask for relief as to
16 upcoming 30(b)(6) depositions. At this point no
17 final notice or list of topics have been
18 produced, so there is no justiciable controversy
19 at this point. Plaintiffs counsel have provided
20 drafts of topics. We responded with concerns
21 again regarding scope and timing. And we
22 reserve the right to assert such objections
23 during 30(b)(6) depositions to avoid a fishing
24 expedition, but we are not there yet.

25 Mr. Rowland's deposition testimony,

1 plaintiffs make some discussion about that in
2 their reply brief. And I'll be brief here, Your
3 Honor. I don't want to read the transcript to
4 the court but are willing to provide a sur reply
5 brief with the entire transcript or portions.
6 But plaintiffs' reply brief kind of focuses on
7 the fact Mr. Rowland is not getting any relief or
8 was not getting communication from Jehovah
9 Witnesses officials. I think it is important for
10 the court to know, and I'm going to read a few
11 portions here to show Mr. Rowland's concerns in
12 that regard are with the local folks in the
13 Hardin congregation and local overseers, not
14 anyone with WTNY or WTPA.

15 So question here, Mr. Rowland, when we
16 are talking reports, are you talking about
17 reports you would fill out as an elder.

18 Yeah, I wouldn't do that as an elder
19 myself but I'd have him put into the congregation
20 response something with four or five elders.

21 Question. And you're talking about the
22 Hardin congregation as this point?

23 Answer. Yes.

24 Question. Did you ever talk to anybody
25 during your time at the Hardin congregation, did

1 you ever talk to anybody in Bethel in New York?

2 No.

3 Question. Mr. Rowland, were you
4 instructed and trained if you had an issue you
5 were to provide an overseer with it?

6 Answer. Yes.

7 Question. Were you ever instructed and
8 trained to go to Bethel with the problem?

9 Bethel is the New York area where the
10 WTNY and WTPA are located.

11 Question. Were you ever instructed and
12 trained to go to Bethel with the problem?

13 Answer. No, there were no
14 communication with them.

15 Question. While you were an elder,
16 were you able to get a sense on how the reporting
17 from Hardin, from the Hardin congregation,
18 reporting things like donations, new members, did
19 you get a sense of how that stuff was recorded
20 back to New York?

21 Answer. No.

22 After an objection, Mr. Rowland
23 continued.

24 No. As an elder and living out here in
25 the country, even going in two times a week,

1 sometimes four or five times a week, but the
2 judicial issue, and that was taken care of in
3 Hardin.

4 Question. Do you have any knowledge of
5 whether reports of sexual abuse were ever written
6 down and handed to a circuit overseer or not?

7 Answer. I don't know. The way that
8 things were, it was, like, nonexistent. I didn't
9 see a report, didn't hear a report, nobody called
10 me in.

11 Question. Did anyone from New York
12 train you how to handle victims who had been
13 sexually abused to take care of victims.

14 Answer. No, not specifically. Never
15 see anybody from New York.

16 All right.

17 After some discussion by Mr. Rowland
18 about how things fit into the organization and
19 the stream of responsibility, he was asked,
20 question, Stream of responsibilities between New
21 York and the local congregation or between elders
22 and ministerial servants, what do you mean?

23 Answer. Usually the organization is
24 the one that you're in. When you talk about the
25 organization, nobody talks about New York.

1 Question. Have you ever read a
2 publication by Watchtower Bible and Tract Society
3 of New York or Watch Tower Bible and Tract
4 Society of Pennsylvania that said you could not
5 report abuse to the authorities?

6 Answer. Not that I know of.

7 Again, answering a question about
8 reporting, answer, I was not responsible for any
9 paperwork going to New York. It's the presiding
10 elders that did that.

11 Question. Are you aware of any
12 communication to Watchtower Bible and Tract
13 Society of New York or Pennsylvania regarding any
14 of your allegations?

15 Answer. I have no knowledge of that.

16 Question. Okay. So Hardin doesn't
17 follow the directions from Watchtower?

18 Answer. No.

19 So as you can glean from those
20 transcript portions, Your Honor, a lot of Mr.
21 Rowland's deposition went beyond jurisdictional
22 discovery as well, and I wanted to clarify to
23 provide some context for the citations to that
24 that were provided by plaintiffs counsel in their
25 reply brief.

1 And, again, if Your Honor would like a
2 sur reply brief explaining more of that or
3 providing more excerpts of the transcripts, I
4 would be happy to so provide.

5 In closing, Your Honor, our position is
6 there is no entitlement to an award of fees and
7 costs. The actions taken by WTNy and WTPA in
8 responding to discovery have been proper. The
9 letters and supplements show we have gone to
10 great lengths to work through issues raised by
11 plaintiffs regarding issues regarding scope and
12 time. You know, again, frankly to us it is
13 unclear what they are asking for in their relief,
14 but to the extent there has been any shortfall in
15 the discovery process, Your Honor, it would not
16 be just for there to be an award of fees and
17 costs due to the efforts that have been made.

18 Your Honor, unless you have some
19 questions for me, that's all the argument I have.

20 THE COURT: Well, for the sake of
21 example, this document that Mr. Rowland was
22 talking about in his deposition, that the
23 defendants discuss on page 3 of their reply
24 brief, this Organization for Kingdom Preaching
25 and Disciple Making, that was published in 1972,

1 I mean, I understand in my order with regard to
2 the scope of jurisdictional discovery, I said
3 that plaintiffs shall be permitted to conduct
4 discovery into TWPA's and WTNY's corporate
5 relationship from 1973 to 1992. But with regard
6 to plaintiffs' arguments, specifically as to that
7 publication, the fact that it was published in
8 1972, I mean in some ways '73 is a little bit of
9 an arbitrary cutoff in that this 1972 document,
10 for example, would have been in effect in 1973,
11 and maybe even farther into that time period as
12 far as documents that the Hardin congregation
13 might have relied on that came from the
14 Pennsylvania organization. What are your
15 thoughts about that?

16 MR. WILSON: Well, I mean, that's the
17 problem, Your Honor, when you have a time period,
18 what do you define as the parameters. At some
19 point there have to be parameters, otherwise it's
20 basically unencumbered. Here it was published
21 1972, which was outside that time frame.
22 Plaintiffs had that document. It was something
23 they produced in their initial disclosures
24 relatively early on. Once it was confirmed that
25 someone in the congregation in Hardin had

1 actually seen it, we did supplement to produce
2 it. And, again, that goes back we have been
3 trying to produce now, in an effort to try and
4 meet and confer, any specific document they've
5 asked for that goes outside those time periods.

6 But, again, Your Honor, we are doing
7 the best we can with what the time period it is.
8 You know, it was 1973 to 1992, this particular
9 document was in 1972.

10 THE COURT: Right, but can't you
11 understand the difficulty the plaintiffs are
12 having being kind of hamstrung by that scope.

13 MR. WILSON: That's, why, Your Honor,
14 in meeting and conferring we have been trying to
15 supplement to provide those documents outside
16 that scope of time and materials that they don't
17 already have that we still have in our
18 possession, custody, or control. That's where we
19 go back to that list of documents from January
20 '85 to 2001, we've been trying to track those
21 down, and to the extent we've been able to find
22 them, we have supplemented to provide those to
23 plaintiffs' counsel.

24 THE COURT: I mean, you have to agree
25 basically the statement you just made and the

1 statement made in your brief, if plaintiffs know
2 of something specific, they just need to ask us.
3 Well, the purpose of discovery is because they
4 don't necessarily know what exists, so how can
5 you ask for something that you don't necessarily
6 know what it's called or whether it exists.

7 MR. WILSON: Well, for the
8 jurisdictional discovery we are in, Your Honor,
9 the understanding was they were going to ask for
10 questions of the Hardin congregation as to what
11 documents the Hardin congregation had. And
12 basically our position was, unless there is some
13 showing that the Hardin congregation had it, and
14 it was used by them in Montana, it would be
15 outside the scope and irrelevant to basically,
16 the jurisdictional discovery in this case. And
17 they did ultimately subpoena the Hardin
18 congregation and then the documents were
19 identified there and then through the meet and
20 confer as well we've been trying to identify the
21 specific documents they asked for. But we have
22 no way of knowing what was provided to the Hardin
23 congregation in 1973 to 1992.

24 THE COURT: Right. Of course, we have
25 some of that issue before the court because the

1 Hardin congregation has also claimed some
2 privileges and so forth that would prevent them
3 disclosing various things.

4 Okay. I think that's all I have, Mr.
5 Wilson.

6 MR. WILSON: Thank you, Your Honor.

7 THE COURT: Thank you. Your response,
8 Mr. Stepans.

9 MR. STEPANS: Thank you, Your Honor.
10 Your Honor, I want to assure the court, and
11 counsel for the defendants as well, I do not want
12 to every publication they have ever made, I
13 really don't, just the ones we've asked for. And
14 I want to talk about documents that plaintiffs
15 have been able to get elsewhere. Defendants have
16 refused to authenticate those documents, and in
17 part because there are notations in them or they
18 say they don't know where it came from. So even
19 though we are able to go and find some of these
20 things on our own, the next step of that, which
21 would be to authenticate it, defendants don't
22 want to do that either.

23 So they don't want to give it to us and
24 they also don't want to authenticate it, and I
25 would say that that probably means they don't

1 want it to be part of the case and would prefer
2 that it not be shown to the jury. But what we
3 are trying to do is prosecute this case in a
4 meaningful way. I'm glad that counsel brought up
5 two things, Your Honor, and these will be very
6 brief, but they are the most precise highlights
7 of the difficulty that plaintiffs have been
8 facing so far and why we are here on this motion
9 to compel.

10 The notice issue regarding donations of
11 money, the way that that RFA was answered,
12 defendant corporations, they deny that they put
13 anyone on notice. This is a document that is
14 referred to, I don't believe it's part of the
15 briefing, but it is a page from the Branch
16 Organization Manual, which is Document 57-7 in
17 the ETF. This is page 22-1 on the pagination of
18 the manual, otherwise identified as plaintiffs'
19 bates 002025. Here's what it says. This is
20 their document from 1977.

21 THE COURT: This is Exhibit 57-7?

22 MR. STEPANS: Your Honor, Document 57-7
23 is a couple of pages from this branch
24 organization. These are different pages that
25 have not been submitted to the court. I don't

1 know if you want to hear this, but the reason
2 that this is important is because this paragraph
3 guided the RFA that we asked about donations of
4 money and putting people on notice. This
5 document from WTPA published by WTPA, it says
6 effective December 15, 1977.

7 I will quote here. Donations of money
8 may be made to the society in the form of
9 contributions payable to Watch Tower Bible and
10 Tract Society of Pennsylvania in the United
11 States, or if from a donor located in a country
12 outside the United States, then donations may be
13 mailed to the branch office for that country and
14 made payable to the local corporation.

15 So the answer is they are denying that
16 they put anyone on notice that donations could be
17 made to WTPA. And what it says is, donations of
18 money may be made to the society. It's their
19 publication. They give no other explanation,
20 they just say, no, we didn't notify any anybody
21 that they could make those donations.

22 THE COURT: Seeming to take issue with
23 the word "notify."

24 MR. STEPANS: I believe that we are in
25 a semantic quest here to find the right term that

1 they would like us to use as it pertains to what
2 -- I guess I would say that qualifies as notice,
3 but I agree it looks like they are parsing out
4 "notify." That doesn't seem --

5 THE COURT: We didn't notify anyone.
6 We might have informed but we didn't notify.

7 MR. STEPANS: Or alluded to it or
8 suggested.

9 But it would be good if they did pick
10 one of those verbs to let us know which one they
11 had done as it pertains to this.

12 On the governing body argument, Your
13 Honor, I'm glad counsel brought this up, and I
14 think this is maybe the best illustration, I will
15 point the court to two documents that I would
16 like to compare here. 57-8 and page 9 of
17 Document 57-8. That is the answer to
18 interrogatory No. 15. And I'll quote. This is
19 from defendant corporations in discovery. The
20 governing body of Jehovah Witnesses is an
21 ecclesiastical group of men who care for the
22 spiritual interests of Jehovah Witnesses
23 worldwide. It has no legal or corporate control
24 over any entity used by Jehovah Witnesses.

25 That's a present day recitation. It

1 says that's what they are now. I point the court
2 to Document 57-7, page 3 of 3, and here's what it
3 says.

4 THE COURT: 57-7?

5 MR. STEPANS: Yes, Your Honor. And
6 page 3 of 3.

7 First full paragraph. This is from
8 1977, once again published by Watch Tower Bible
9 and Tract Society of Pennsylvania. Governing
10 body. The governing body is made up of brothers
11 who are anointed servants, et cetera, et cetera.
12 They act as representatives which has the
13 responsibility for giving direction and impetus
14 to kingdom work. While the governing body
15 delegates certain details and responsibilities to
16 committees made up of its own members, or
17 committees made up of other dedicated servants of
18 God, or to the instruments such as corporations
19 and legal agencies, and I quote directly, it
20 always takes the lead for the smooth functioning
21 of the organization and the unity of all of God's
22 people as the governing body has the prerogative
23 to use its discretion and look into matters it
24 deems necessary to examine with regard to the
25 work. To oversee various aspects of the works,

1 committees have been established as follows.

2 So representation at this point is, I
3 think the quote was, they don't lead anything,
4 this is what I heard counsel say, and what their
5 document says is that they lead, it always takes
6 the lead.

7 Now, the difference between what the
8 documents say and the interpretation of those
9 documents, it's certainly important, but the
10 documents say what they say, and that is the
11 basis for what we are trying to uncover here.
12 Those two items, Your Honor, I think, highlight
13 the difficulty that we are having. So I want to
14 be very clear that we have made a lot of effort
15 to try and resolve this. You know, the
16 conferring back and forth, and counsel indicated
17 how many things they responded to, but if all of
18 those interrogatories, you could read every
19 single interrogatory, it doesn't matter if
20 they've answered 45 or 300, it's the same.

21 In order to get this moving, Your
22 Honor, we had to file this motion. We thought we
23 could resolve it because a lot of it seemed to be
24 fairly straight forward as it pertained to --
25 originally we asked for 1970, and defendants

1 suggested 1973, or later. So we ended up there.
2 These critical documents that fall within that
3 category of time that were referred to, that now
4 in the deposition of James Rowland obviously are
5 relevant, suggest that there's other things out
6 there. And we are ready to put this piece of the
7 case to bed and move forward. So subject to any
8 other questions, Your Honor, I think what we are
9 asking for is really truly to stay within the
10 relevant time period as it pertains to the sexual
11 abuse. We understand that it took place
12 basically within this time frame. But if we
13 start closing discovery arbitrarily because we
14 agreed to 1973 and now defendants say, well,
15 you're stuck with it, that doesn't lead us to the
16 place where we are uncovering the truth,
17 discovering the facts, that we are going to be
18 able to put this case together. I'm asking the
19 court to issue an order in accordance with the
20 rules. And subject to any other questions, I'm
21 done, Your Honor.

22 THE COURT: Thank you. Well, you all
23 know how much courts love discovery disputes.
24 But thank you, counsel. The motion to compel is
25 taken under advisement.

1 I just want to remind counsel in our
2 scheduling order, that paragraph 9 does talk
3 about if you're going to file something that's
4 more than 20 pages, you have to provide the court
5 with physical copy of that. Of course, we've got
6 lots of pages with regard to these exhibits and
7 it's not that I want to kill a bunch of trees,
8 but maybe I'm just old school, but it's easier
9 for me to look through a binder of documents. I
10 just remind you of that, and also of the local
11 rule with regard to the length of briefs.

12 So the matter is deemed submitted. We
13 are adjourned.

14 (Court adjourned.)
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CERTIFICATE OF REPORTER.

I, Richard L. Mattson, Official Court Reporter for the United States District Court, hereby certified the foregoing to be a true and correct transcript of the proceedings contained therein.

/ss Richard L. Mattson
